

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GUIDEPOSTS A CHURCH
CORPORATION, a New York
Corporation,
Plaintiff,

v.

ALICE DICKERSON d/b/a
NECESSITY BREEDS INVENTION, a
California Individual,
Defendant.

CASE NO. CV08-3114 GPS (SC)

**[PROPOSED] ORDER ON
FINAL JUDGMENT ON
CONSENT**

[PROPOSED] ORDER ON FINAL JUDGMENT ON CONSENT
Case No. CV08-3114GPS (SC)

1 Plaintiff, Guideposts a Church Corporation (“Guideposts”), having
2 filed an action for trademark infringement and unfair competition against
3 Alice Dickerson d/b/a Necessity Breeds Invention (individually and
4 collectively “Dickerson”) and the parties having agreed voluntarily to
5 resolve this dispute in accordance with this Final Judgment on Consent, the
6 parties now request entry of this judgment.

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

8 1. This Court has jurisdiction of the subject matter herein and of
9 the parties who have consented to entry of the Final Judgment on Consent.

10 2. Dickerson acknowledges that Guideposts is the owner of the
11 trademark and service mark GUIDEPOSTS which has been used since 1945
12 alone or in combination with other words, marks and designs (collectively,
13 the “GUIDEPOSTS Marks”).

14 3. Except as provided in paragraph 4 below, Dickerson, and any
15 related or affiliated entities or persons, are hereby permanently enjoined
16 effective immediately from (i) using in connection with the sale, offering for
17 sale, distribution and advertising of any good or service the terms
18 GUIDEPOSTS, GUIDEPOST, or LIFE’S GUIDEPOSTS, or any other term
19 or mark which contains or comprises the word GUIDEPOSTS or
20 GUIDEPOST, or a term or mark which is confusingly similar to plaintiff’s
21 GUIDEPOSTS Marks, as a trademark, service mark, trade name, domain
22 name, book title or in any other manner; (ii) engaging in any other activity
23 constituting unfair competition with Guideposts; and (iii) assisting, aiding or
24 abetting any other person or business organization from performing or
25 engaging in the acts and activities referred to in paragraphs (i) and (ii)
26 above.

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1 4. Notwithstanding paragraph 3 above, Dickerson shall be
2 permitted to sell off the remaining two copies of her book “Life’s
3 Guideposts” currently in inventory on the website www.amazon.com (the
4 “Amazon Site”); provided, however, that Dickerson shall not thereafter sell
5 or distribute any additional copies of the “Life’s Guideposts” book through
6 the Amazon Site or through any other means.

7 5. Dickerson agrees that she will transfer the domain name
8 www.lifeguideposts.com (the “Domain Name”) to Guideposts by no later
9 than July 7, 2008. Dickerson represents and warrants that her registration of
10 the Domain Name is set to expire on July 16, 2008 and she agrees that she
11 will take all necessary steps to ensure that ownership of the Domain Name is
12 maintained in her name until such time as the transfer of the Domain Name
13 to Guideposts has been effected. Dickerson further represents and warrants
14 that she does not own any other domain names apart from the Domain Name
15 including the terms “guideposts” or “guidepost.”

16 6. Guideposts waives any rights to damages, an accounting of
17 profits or attorneys’ fees asserted herein, but shall have the right to reinstate
18 said claims if Dickerson fails to comply with the terms of the Final
19 Judgment on Consent.

20 7. Any breach by Dickerson of the terms of this Final Judgment
21 on Consent shall be deemed to constitute immediate and irreparable injury to
22 Guideposts.

23 8. Each party shall bear its own costs and expenses incurred in this
24 action.

25 9. This Court shall retain continuing jurisdiction over the parties
26 to this Final Judgment on Consent and over the subject matter of this action

1 for the terms of this Final Judgment on Consent.

2 10. All of the parties hereto waive the right to appeal from or
3 otherwise contest this Final Judgment on Consent, which may be entered
4 without further notice to any party.

5 SO ORDERED this _2_ day of July, 2008:

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7 Dated: July 2, 2008

GEORGE P. SCHIAVELLI
Honorable George P. Schiavelli
United States District Court

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9
10 Respectfully Submitted,

11 **BRYAN CAVE LLP**
12 **GUSTAVO A. TORRES**

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14 By: /s/ Gustavo A. Torres
15 Attorneys for Plaintiff
16 **GUIDEPOSTS CORPORATION**
17 **DATED: June 30, 2008**

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